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| 10/554,125      | 07/12/2006  | Thomas Earle Goerke  | 19914-002US1        | 9342             |

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FISH & RICHARDSON P.C. (BO)  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

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| EXAMINER |
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KIM, WESLEY LEO

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| ART UNIT | PAPER NUMBER |
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2617

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|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

03/23/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/554,125 | <b>Applicant(s)</b><br>GOERKE ET AL. |  |
|                              | <b>Examiner</b><br>WESLEY L. KIM     | <b>Art Unit</b><br>2617              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16.24-30 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,6-15 and 31-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16.24-30 and 45-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/14/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/11 has been entered.

### ***Examiner Notes***

2. This Office Action is in response to the IDS filed on 3/14/11.
3. Claims 16, 24-30 and 45-52 are rejected as the Applicant has not filed any direct arguments or claim amendments related to the U.S. application 10/554,125.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 3/14/11 was filed after the mailing date of the Final Office Action on 9/14/10. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Election/Restrictions***

5. Claims 1-4, 6-15, and 31-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group (Group II), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/8/10.

This application contains claims 16, 24-30 and 45-52 are drawn to an invention nonelected without traverse in the reply filed on 7/8/10. A complete reply must *include cancellation of nonelected claims* or other appropriate action.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 29-30 and 51-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 29 and 51 recites the limitation "the static information comprises" in each respective claim. There is insufficient antecedent basis for this limitation in the claim. It almost seems like claim 29 should depend on claim 28 and claim 51 should depend on claim 50, but the examiner is unsure and is confused as to how the dependencies should really be.
- Claim 30 and 52 recites the limitation "the dynamic information comprises" in each respective claim. There is insufficient antecedent basis for this limitation in the claim. It almost seems like claim 30 should depend on claim 28 or claim 29 and claim 52 should depend on claim 50 or claim 51, but the examiner is unsure and is confused as to how the dependencies should really be.
- Examination of the claims will be based upon the 35 U.S.C. 112 second paragraph rejections.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 16, 24, 26, 45-46, and 48 are rejected under 35 U.S.C. 102(a) as being anticipated by Karabinis et al (US 2004/0192200 A1).

**Regarding Claims 16 and 45**, Karabinis teaches a central station (Par.64:lines 6-8 and Par.65, serving base station), allocating satellite network resources in a satellite communication system (Par.41-42 and Par.65) comprising remote stations coupled to the central station by a satellite network (Par.41-42 and Par.65, radio terminals are remote stations coupled to base station (i.e. central station) by satellite network), wherein different remote stations are located in different geographic domains (Fig.1: 130w, 130y, 130a are all in different geographic domains (i.e. locations), that is they are under coverage of different base stations), the method comprising: establishing a list of information about available satellite network resources for one or more of the geographic domains (Par.64:lines 6-8, available channels list for one or more base station locations (i.e. geographic domains)); publishing the list of information for access by remote stations in the one or more geographic domains (Par.65, radioterminal can pick one of the available channels so the list is sent to (i.e. published) radioterminal); receiving, from a remote station, a notification indicating that at least some of the satellite network resources have been seized by the remote station (Par.65:lines 5-12); updating the list of

information about available satellite network resources to reflect seizing by the remote station (Par.65); and communicating the updated list only to remote stations in the one or more geographic locations (Par.65).

**Regarding Claims 24 and 46**, Karabinis further teaches information about available satellite network resources comprises availability of channel capacity (Par.64-65, list of available channels is the availability of channel capacity).

**Regarding Claims 26 and 48**, Karabinis further teaches the list of information is published using one of CDMA and TDMA modulation (Par.67).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 25 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karabinis et al (US 2004/0192200 A1) in further view of Chheda et al (US 6151512).

**Regarding Claim 25 and 47**, Karabinis teaches all the limitations as recited in Claim 16 and 45, however **Karabinis does not expressly teach** communicating an amended list of information about available network resources that reflects a change in the size of the at least one of the geographic domains.

Chheda teaches that it is well known in the art that a geographical domain (i.e. base station coverage area) may be adjusted (Col.2:lines 36-45, base station coverage area is sectorized) and as a result, the available channels per sector is

increased (Col.2:lines 36-45). It is obvious that Karabinis's teaching of notification of an updated list of available resources would apply to the teachings of Chheda as can be seen above. Therefore, it would have been obvious to modify Karabinis with Chheda at the time of the invention such that a remote station may be aware of all possible resources that it may utilize in order to provide the best possible quality of service.

12. Claims 27 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karabinis et al (US 2004/0192200 A1).

**Regarding Claims 27 and 49**, Karabinis teaches that the system comprises said plurality of remote stations (Fig.1) coupled to a plurality of central stations (Fig.1, plural base stations); and although **Karabinis does not expressly teach** a said remote station may transit between operation with one said central station to any other said central station for which the remote station can receive incoming communications for the central stations. The examiner takes Official Notice that it is well known in the art that a mobile station can roam between different central stations and be handed off to receive incoming communications from another central station. This way communications reliability is maintained while roaming.

13. Claims 28-30 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karabinis et al (US 2004/0192200 A1) in further view of Terry et al (US 7127256 B2).

**Regarding Claims 28-30 and 50-52**, Karabinis teaches all the limitations as recited in Claims 28 and 50, and Karabinis further teaches the list of information

comprises at least dynamic information (Par.64-65, available channels list) and updated versions of the list (Par.64-65, source terminal can read list from time to time and base station deletes channels when they are no longer available, hence the list will be updated) however **Karabinis does not expressly teach** the list comprising static information is published less frequently than an updated version of the list comprising dynamic information.

Terry teaches that it is well known in the art that a base station will publish static information to a mobile device for communication (Col.3:lines 42-49, static information is modulation type). A skilled artisan recognizes that Karabinis's published available channels list (i.e. dynamic information) which is updated and viewed from time to time when idle (Par.64-65) is published more frequently than the modulation type information (i.e. static information) since static information is published when there is a connection established. Therefore, to one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. The results of the combination would have been predictable and resulted in modifying the invention of Karabinis to send static information (i.e. modulation type) when a connection between a mobile and base station is established, as taught by Terry thereby allowing communications to be received from the base station in a efficient manner with reduced latency.

### ***Conclusion***



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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WESLEY L. KIM whose telephone number is (571)272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wesley L Kim/  
Examiner, Art Unit 2617